

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

DATE: July 30, 2007

SUBJECT: Reports of Significant Developments and Activities
Ending on July 20, 2007

FROM: Richard C. Karl, Director
Superfund Division

TO: Mary A. Gade
Regional Administrator

Bharat Mathur
Deputy Regional Administrator

The activities listed below are organized by site-specific activities and training/conferences:

SITE-SPECIFIC ACTIVITIES

Emergency Response, Guerin Prep Mercury Spill, River Grove, Illinois

On July 8, 2007, clean-up efforts at the Guerin Prep mercury spill were completed with the exception of disposal of containerized waste that is currently secured on Guerin Prep property. Clean-up efforts were concentrated in the Holy Cross building and the parking lot/roll-off box area. School officials were notified in writing on July 6, 2007, that clean-up efforts at the school had been completed and that full access to all of their facilities had been restored with the exception of the shop room where the high mercury level drums are temporarily being stored until disposal can be arranged. Residential screenings led to clean-up efforts at three residences with high mercury vapor readings and those activities began on July 5 and were completed on July 8. Currently, the United States Environmental Protection Agency (U.S. EPA) is in the process of securing disposal of the wastes that are still on the property.

Contact: Jaime Brown (312-802-0682)

Consent Orders Signed (Reaches D, J/K, and O) and Removal Started (Reach D), Tittabawassee River Site, Midland, Michigan

On June 27, 2007, U.S. EPA began negotiations with The Dow Chemical Company (Dow) for three separate Administrative Orders on Consent, each addressing removal of extremely elevated levels of dioxin-contaminated sediment and soil in hot spots at three locations within and along the Tittabawassee River (Reaches D, J/K, and O) near Midland, Michigan. On July 12, 2007, the Orders were signed by Dow and the Regional Administrator.

On July 9, 2007, the removal action at the Reach D site was initiated by Dow pursuant to permits previously issued by the Michigan Department of Environmental Quality. Dow's contractor began positioning equipment on a work barge to begin the preparation of driving temporary sheet piling in the river to delineate the area of highest dioxin-contamination. Dow's contractor has nearly completed all construction on the sediment pipeline and sediment dewatering pad on the facility. Water from the sediment dewatering pad will be treated in Dow's Waste Water Treatment Plant and discharged to the river. On-Scene Coordinator (OSC) Brian Schlieger provided oversight with assistance from U.S. EPA's Superfund Technical Assistance and Response Team (START) contractor. Work Plan development and site startup for Reaches J/K and O are scheduled to begin no later than August 15, 2007. The anticipated completion date for all three removal actions is December 15, 2007.

Contacts: Jim Augustyn (440-250-1742)
Brian Schlieger (734-692-7681)
Jeff Cahn (312-886-6670)
Greg Rudloff (312-353-0455)

Judicial Civil Complaint Filed and Consent Decree Lodged, Equistar Chemicals LP, Morris, Illinois

On July 18, 2007, the United States Department of Justice on behalf of the U.S. EPA filed a civil complaint and lodged a consent decree against Equistar Chemicals LP, Morris, Illinois. The allegations in the complaint involve the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation and Liability Act, and the Emergency Planning and Community Right-to-Know Act. There were several releases where Equistar chemicals, Inc., failed to immediately notify the National Response Center, the State Emergency Response Commission, and the Local Emergency

Planning Committee.

As part of the settlement agreement, Equistar Chemicals LP will pay a \$2.5 million civil penalty including \$1,964,200 to the United States, \$200,000 to the Federal Superfund, and \$178,600 to the State of Illinois. The company has also agreed to implement injunctive relief projects that are estimated to cost the company \$125 million, and has agreed to spend \$6.56 million on supplemental environmental projects, including \$225,000 in Illinois. Equistar Chemicals LP has also agreed to spend \$50,000 on emergency response equipment for Grundy County, Illinois. The other Equistar Chemicals LP facilities are in Clinton, Iowa; Lake Charles, Louisiana; Channelview, Texas; Chocolate Bayou, Texas; Corpus Christi, Texas; and La Porte, Texas.

Contact: James Entzminger (312-886-4062)

Settlement Reached, Meijer, Inc., Middlebury, Indiana

On July 12, 2007, Chemical Emergency Preparedness and Prevention Section (CEPPS) filed a joint Administrative Complaint and Consent Agreement and Final Order (CAFO) against Meijer, Inc., Middlebury, Indiana. The CAFO alleges violations of the Clean Air Act, Risk Management Program (RMP) regulations, 40 CFR Part 68. The Meijer, Inc., Middlebury facility, failed to adequately implement their RMP. The Meijer, Inc., Middlebury facility is a Program Level 3 facility that employs approximately 150 employees and is a branch location of Meijer, Inc. The facility is a refrigerated food processing plant. Meijer, Inc., has agreed to pay a cash penalty of \$25,000.

Contact: Monika Chrzaszcz (312-886-0181)

Settlement Reached, BASF Corporation, Greenville, Ohio

On July 13, 2007, the U.S. EPA filed a joint Administrative Complaint and Consent Agreement and Final Order resolving an alleged Comprehensive Environmental Response, Compensation and Liability Act Section 103 violation at BASF Corporation, Greenville, Ohio. BASF Corporation failed to immediately notify the National Response Center of 532 pound release of xylene that occurred on September 21, 2004, at 11:30 a.m. As part of the settlement, BASF Corporation will pay a \$13,359.45 cash penalty to the Superfund. BASF Corporation will have 30 days to pay the penalty.

Contact: James Entzminger (312-886-4062)

Settlement Reached, C.G. & S. Provision Company, Inc., Chicago, Cook County, Illinois

On July 19, 2007, the U.S. EPA filed a joint Administrative Complaint and Consent Agreement and Final Order resolving alleged Comprehensive Environmental Response, Compensation and Liability Act Section 103 and Emergency Planning and Community Right-to-Know Act Sections 304 and 312 violations at C.G. & S. Provision Company, Inc., Chicago, Illinois. C.G. & S. Provision Company, Inc., failed to immediately notify the National Response Center and the State Emergency Response Commission (SERC) of a 600 pound release of anhydrous ammonia that occurred on August 11, 2005, at 10:30 a.m. Additionally, the facility failed to submit the written follow-up report to the SERC and the Local Emergency Planning Committee. The facility also failed to submit a chemical inventory form to the SERC and the local fire department for calendar years 2002-2005. As part of the settlement, C.G. & S. Provision Company, Inc., will pay a \$27,000 penalty. The penalty will be divided with \$3,000 to the Superfund account and \$24,000 to the U.S. Treasury. C.G. & S. Provision Company, Inc., will pay the cash penalty over the next 18 months.

Contact: James Entzminger (312-886-4062)

Settlement Reached, Alliance Tubular Products Company, Alliance, Ohio

On July 19, 2007, the U.S. EPA filed a joint Administrative Complaint and Consent Agreement and Final Order resolving alleged Comprehensive Environmental Response, Compensation and Liability Act Section 103 and Emergency Planning and Community Right-to-Know Act Section 304 violations at Alliance Tubular Products Company, Alliance, Ohio. Alliance Tubular Products Company failed to immediately notify the National Response Center, the State Emergency Response Commission, and the Local Emergency Planning Committee (LEPC) of a 2,443 pound release of Spent Pickle Liquor that occurred on October 10, 2005, at 3:40 p.m. Additionally, the facility failed to submit the written follow-up report to the LEPC. As part of the settlement, Alliance Tubular Products Company will pay a \$21,178.25 cash penalty. The penalty will be divided with \$4,600 to the Superfund account and \$16,578.25 to the U.S. Treasury. Additionally, the facility agreed to replace their impervious clay lined diesel containment with a polypropylene containment basin and to place a polypropylene liner in the spent pickle liquor containment area.

The value of these projects is \$63,534.75. Alliance Tubular Products Company will have 30 days to pay the cash penalty and 16 weeks to complete the Supplemental Environmental Projects.

Contact: James Entzminger (312-886-4062)

Five-Year Review Report Completed, Motor Wheel, Inc., Superfund Site, Lansing, Michigan

On July 20, 2007, the Region 5 Superfund Division issued the second five-year review for the Motor Wheel, Inc., Superfund site in Lansing, Michigan. The remedy selected for the site includes: 1) backfilling the waste disposal area to cover excavated fill areas and establish an acceptable slope for extension of the cap, 2) fencing and installation of an 11-acre Michigan Act 64 cap over the waste disposal area, 3) extraction and treatment of contaminated ground water, 4) site use restrictions to limit land-use and prevent the withdrawal of contaminated groundwater, and 5) groundwater monitoring to assess the status of the remedy.

The five-year review concluded that the remedy is protective in the short-term, because the landfill cover and access controls have achieved their remedial objectives, the groundwater extraction and treatment system has been effective in removing contaminants of concern, and there is currently no exposure to contaminated groundwater, surface water, or soil. The remedy is expected to achieve long-term protectiveness once institutional controls are implemented and groundwater monitoring demonstrates the attainment of remedial standards.

Contact: Bill Ryan (312-353-4374)

Five-Year Review Report Completed, Eau Claire Municipal Well Field Superfund Site, Eau Claire, Wisconsin

On July 20, 2007, a third Five-Year Review Report was signed for the Eau Claire Municipal Well Field (ECMWF) Superfund site, Eau Claire, Wisconsin. The Wisconsin Department of Natural Resources was the support agency in conducting the five-year review. The remedy includes: treating municipal water with an existing air stripper; providing municipal water to private wells in the area of groundwater contamination; installing groundwater extraction wells in the contamination plumes; and discharging untreated groundwater from the extraction wells into the Chippewa River.

The remedy at ECMWF currently protects human health and the environment in the short term because the air strippers effectively remove the contaminants from the City of Eau Claire drinking water. For the remedy to be protective in the long-term, effective institutional controls prohibiting groundwater use must be maintained until the groundwater cleanup standards are achieved. Local ordinances requiring City residents to connect to the municipal water supply and prohibiting any cross connection between private wells and the municipal water supply are currently in place. There is concern that the owners of the 77 parcels of land that do not receive water bills may be drinking contaminated water from private wells. An evaluation of the effectiveness of these institutional controls (ICs) will be included in the general IC Study currently underway.

Contact: Howard Caine (312-353-9685)

Complaint Filed, Hutson Enterprises, Inc., Indianapolis, Indiana

On July 16, 2007, U.S. EPA filed a Complaint against Hutson Enterprises, Inc., doing business as Sparkle Pool Service & Supply of Indiana (Sparkle Pool), for violations of the Emergency Planning and Community Right-to-Know Act (EPCRA) Section 312 reporting requirements. The Complaint alleged that Hutson Enterprises, Inc., failed to timely submit to the Indiana State Emergency Response Commission, Marion County Local Emergency Planning Committee, and Indianapolis Fire Department, Tier II reports for calendar years 2003 and 2004. Hutson Enterprises, Inc., was storing 5,600 pounds of chlorine, an extremely hazardous substance with a 100 pound reportable quantity and 43,000 pounds of sodium sesquicarbonate, a hazardous chemical with a 10,000 pound reportable quantity. The Agency sent Hutson Enterprises, Inc., a pre-filing letter inviting them to enter into settlement discussions on March 26, 2006. The Agency proposes a \$33,000 penalty. Hutson Enterprises, Inc., has 30 days to respond.

Contact: Ruth McNamara (312-353-3193)

RMP Inspection Conducted, Illinois American Water - Urbana East Plant, Urbana, Illinois

On July 18, 2007, Monika Chrzaszcz from the Chemical Emergency Preparedness and Prevention Section (CEPPS) conducted an

inspection at the Illinois American Water - Urbana East plant in Urbana, Illinois. The purpose of the inspection was to review the Risk Management Program (RMP) that the facility has in place for the storage and handling of regulated substances under the RMP regulation. The facility disinfects and treats drinking water.

Contact: Monika Chrzaszcz (312-886-0181)

TRAINING/CONFERENCES

Feedback Conference Calls (Communities Submitting Unsuccessful Proposals), 2007 Brownfield Grant Competition, Chicago, Illinois

The Brownfields and NPL Reuse Section provided feedback to unsuccessful applicants submitting brownfields assessment, clean up, and revolving loan proposals during Fiscal Year 2007. Conference calls were scheduled during the last half of July with most taking place during the week beginning on July 16, 2007. Six brownfields staff participated in the calls. In accordance with the national brownfields competition policy, review comments were summarized. Thirty-three unsuccessful applicants were provided feedback.

Contact: Deborah Orr (312-886-7576)

cc: Susan Bodine (OSWER)
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Region 5 State Superfund Coordinators
Division/Office Directors